

APPENDIX B - EXISTING REGULATORY CONTEXT

Neighborhood planning occurs within the larger context of city, state and federal planning and development activities. This chapter provides an overview of a variety of policies and regulations most relevant to the issues addressed by the Riverside Study Committee. The summaries are necessarily brief and are not intended to replicate information found in federal, state and local statutes.

Cambridge Growth Policy. *Toward a Sustainable Future; Cambridge Growth Policy Document* (published in February 1993) outlines the planning assumptions and policies guiding the physical planning of Cambridge. It is used by the Planning Board to make land use decisions.

The Growth Policy Document includes 70 policy statements in the areas of land use, transportation, housing, economic development, institutions, urban design and open space. The following policies are particularly relevant to issues addressed by the Riverside Study Committee:

Policy 1: Existing residential neighborhoods, or any portions of a neighborhood having an identifiable and consistent built character, should be maintained at their prevailing pattern of development and building density and scale.

Policy 5: The major institutions, principally Lesley College, Harvard University, Massachusetts Institute of Technology and the hospitals, should be limited to those areas that historically have been occupied by such uses and to abutting areas that are reasonably suited to institutional expansion, as indicated by any institutional overlay district formally adopted by the City.

Policy 52: The city's major educational institutions should be encouraged to provide housing for their respective faculties, students, and staff through additions to the city's inventory of housing units. Effective use of existing land holdings should be a tool in meeting this objective, where it does not result in excessive density of the core campus. In addition, where new housing is to be located within or abutting an existing neighborhood, it should match the scale, density and character of the neighborhood. The institutions should be encouraged to retain this housing for client populations over an extended period of time. They should consider housing other city residents within these housing developments as a means of integrating the institutional community with city residents.

Policy 69: The city should encourage the permanent retention and protection of useful, effective, attractive private open space whether publicly accessible or not.

Community use of private recreational and open space facilities in the city should be encouraged at reasonable levels where the private function of those facilities would not be impaired and where the recreational activity provided by the private facility is not well served in available public facilities.

Citywide Rezoning. In 2001 the City adopted zoning changes affecting properties throughout the city. The changes were the result of dialogue among the Citywide Growth Management Advisory Committee, the Planning Board and the public. Changes included the following components:

- 14 new residential districts
- Reductions in FAR and height provisions
- Citywide project review (projects over 50,000sf)
- Incentives for conversion of non-residential buildings to residential
- Reductions in parking requirements
- Inclusions of structured parking in FAR

Relative to Riverside:

- No new residential districts were created in Riverside.
- The new article of the zoning code for conversion of non-residential buildings to residential use is potentially applicable to the NStar property. This article allows for the application of special provisions in connection with issuance of a Special Permit by the Planning Board. The article is intended to facilitate conversion of non-conforming buildings in neighborhood residential districts, where both the non-residential use and the scale of the building(s) are non-conforming. Additional gross floor area beyond what is permissible under the base zone may be added provided it occurs within the limits of the existing structure. The allowable number of dwelling units is determined by dividing the gross floor area by 900 rather than by applying the formula for the base zone. Height limits and yard setbacks do not apply to the existing structure. The amount of required usable open space may be reduced

by the Planning Board.

- Allowable commercial densities were reduced for some properties in Riverside: in Harvard Square, the Mass. Ave. Corridor, Central Square and for portions of the NStar property.

- The new article stipulating inclusion of structured parking in FAR has implications for large new development projects in Riverside. If structured parking is included in a project, the gross rentable floor area will in most cases be less than it would have been previous to the change.

- Under the new Project Review requirements a Special Permit is required for new building construction of 50,000 sf or more and for certain smaller projects, such as drive-in retail, that can be expected to be major traffic generators. The Planning Board grants the Special Permit only if it finds that the project is consistent with the City's adopted urban design objectives.

- Adjustments were made to the minimum and maximum amount of parking required for general office and research and development uses. To insure that an oversupply of parking is not possible anywhere in the city, a special permit is required for a project to exceed the maximum amount of parking established in the zoning code. The intention was to discourage single-occupancy peak hour commuter trips. This revision could potentially impact Riverside if new office, research and development uses were located in or adjacent to the neighborhood. If the number of parking spaces included in the project were less than the actual demand for parking generated by the project demand could spill over into Riverside.

Existing Base Zoning. Existing zoning to some degree reflects Riverside's current urban design structure, characterized by a Residential Core with business and office zones at the periphery. The major deviations from existing conditions occur along the east

edge and adjacent to Central Square, where current zoning allows higher densities and greater heights than is the existing pattern. There is also a discrepancy along River Street where the predominant use today is residential rather than business. (See Figure B.1. Existing Zoning.)

Townhouse Development Regulations.

Special regulations were adopted to provide flexibility for townhouse design. The following points summarize the relevance of this regulation for Residence C -1 (the predominant existing district for Riverside) and residence C (the next lower density existing housing district):

- Special Permit required for six or more units in Residence C and for 12 or more units in Residence C -1.
- Eliminates minimum lot width requirement (Minimum width requirement is 50' in zoning districts C and C -1.)
- For lots of 15,000 sf or larger in C -1, allows density increase from .75 FAR to .825 FAR (no change in C)
- Allows height increase from 35' to 40'
- Allows front yard setback to match setbacks on neighboring properties
- Allows possibility of on-street parking (rather than on-site)

Incentive Zoning/Inclusionary Housing.

The Incentive Zoning/Inclusionary Housing provisions of the City's zoning code provide a mechanism by which commercial and residential development can contribute to increasing the supply of affordable housing in exchange for greater density or intensity of development than that otherwise permitted as a matter of right. A developer of an Incentive Project either creates affordable housing units or makes a contribution to the City's Affordable Housing Trust Fund. A Housing Contribution or creation of affordable units is required for any non-residential project over 30,000 sf.

Residential projects over 10,000sf and with ten or more units are required to provide affordable units on site and are called

Inclusionary Housing Projects. In such a project 15% of the total number of units must be affordable. In exchange for creation of affordable units the FAR for the project can be increased 30%. The developer must devote 50% of this increase to affordable units. The required lot area per dwelling unit can be reduced to allow up to two additional units for each affordable unit.

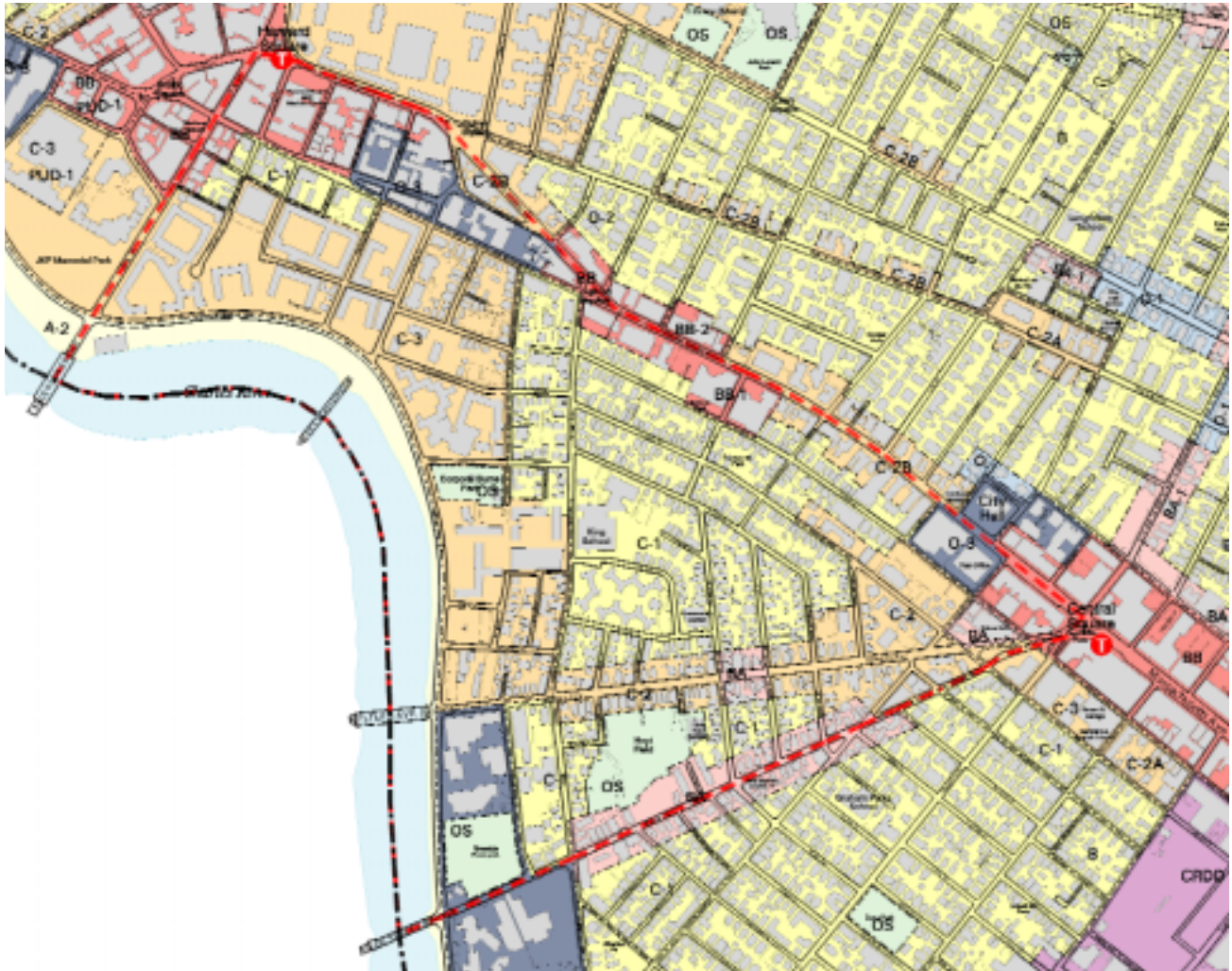
Residential projects under 10,000 sf that voluntarily provide affordable units are called Voluntary Inclusionary Projects. For these projects the Planning Board only issues the Special Permit granting zoning incentives after it has determined that the resulting development would not be out of scale and character with its surroundings.

A Board of Trustees oversees the Affordable Housing Trust Fund. The Fund can be used to: provide favorable financing; subsidize the purchase of sites, existing structures or units; and finance rehabilitation of deteriorated properties.

Overlay Districts. Overlay districts are adopted to protect the character of areas of special concern or to encourage new development. There are three Overlay Districts in Riverside: (1) Harvard Square; (2) Central Square and (3) Harvard University. (See Figure B.2. Overlay Districts.) For each of these districts there is a set of zoning regulations that is applied either in addition to, or in lieu of, the base zoning regulations.

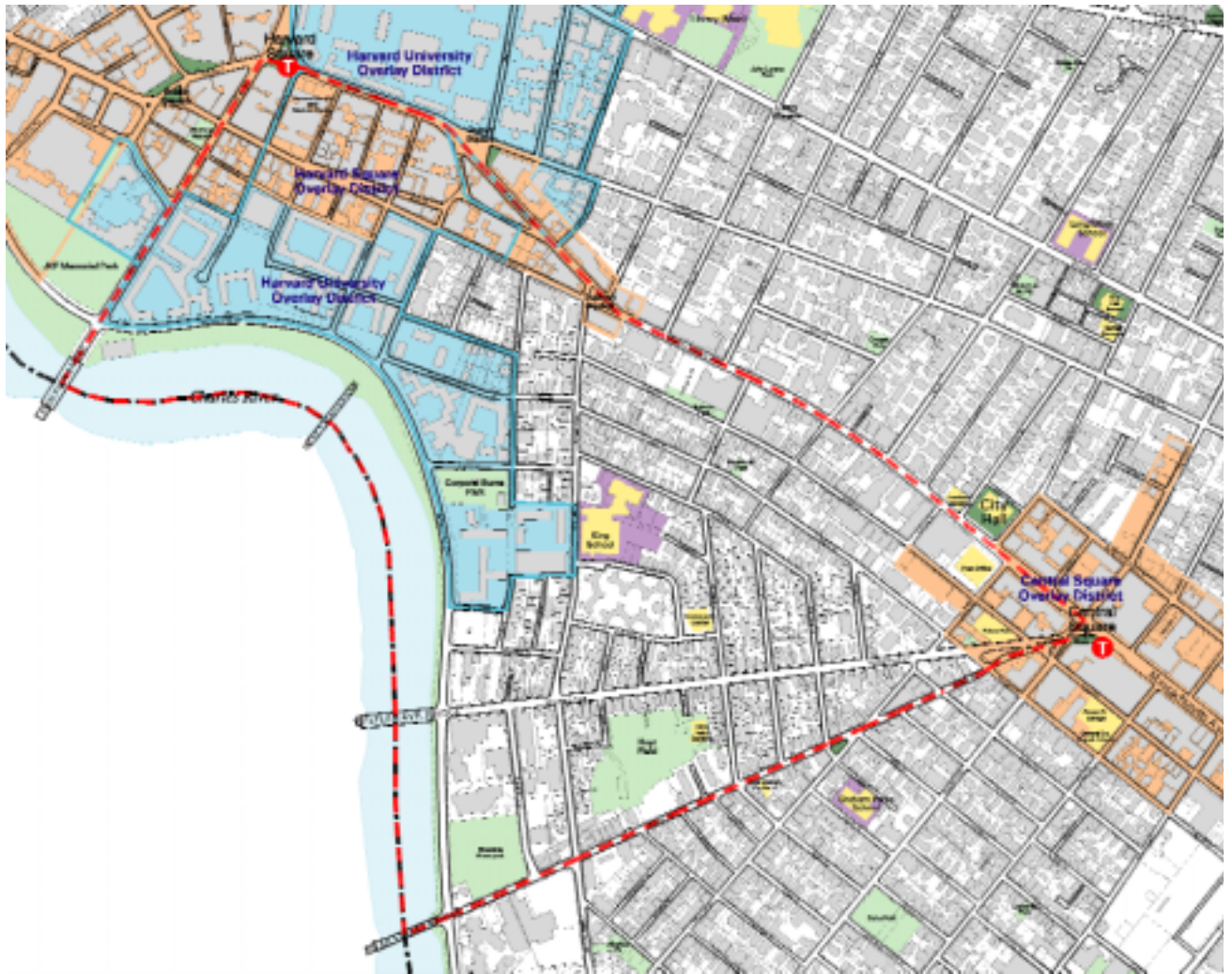
The Harvard Square Overlay District was created to both preserve the environment of the area and to reduce negative impacts on adjacent neighborhoods. The overlay regulations establish a maximum height of 60', which can be increased to 80' if certain setback requirements are met.

The Central Square Overlay District requires review of proposed development to insure that it does not negatively impact the district and/or the abutting neighborhoods. The



BB-1	Business 1	B	Residence B		Open Water
BB-2	Business 2	C	Residence C		Building Footprint
BA	Business A	C-1	Residence C-1		Rail Line
BA-1	Business A-1	C-2	Residence C-2		Edge of Pavement
BB	Business BB	C-2A	Residence C-2A		Neighborhood Boundary
CRDD	C-Port Rev. Dev	C-2B	Residence C-2B		City Boundary
IB	Industry B	C-3	Residence C-3		MBTA Red Line
O-1	Office 1	SD-7	Special District		Zoning District Boundary
O-2	Office 2	SD-6	Special District		Location of Boundary Still Being Determined
O-3	Office 3	SD-10(H)	Special District		
OS	Open Space	SD-9	Special District		
A-1	Residence A-1	SD-8	Special District		
A-2	Residence A-2				

Figure B.1 Existing Zoning



Base Map

- Open Water
- Building Footprint
- Public Building
- Open Space
- Cemetery
- School Playground
- Urban Plaza

- Rail Line
- Parcel Line
- Edge of Pavement
- Parking Lot
- Neighborhood Boundary
- City Boundary
- MBTA Red Line

Overlay Districts

- Institutional Overlay District
- Commercial Overlay District

Note: Zoning overlay districts may overlap with each other

Figure B.2 Overlay Districts

Special Permit process allows increases over the as-of-right FAR and height for particular uses, subject to design review and satisfying specified goals and objectives. Special use limitations and restrictions apply to ground floors. Certain exemptions from parking and loading requirements can also be allowed.

The Harvard University Overlay District is an Institutional Overlay District. (See Figure B.2. Overlay Districts.) Massachusetts General Law Chapter 40A restricts Cambridge's authority to prohibit university or other institutional uses. In response to this law Cambridge has created eight Institutional Overlay Districts to regulate institutions within the limits imposed by Chapter 40A. Institutional Overlay Districts differ from typical regulatory districts in that restrictions apply outside of, rather than inside of, the district. Restrictions apply to areas outside the Institutional Overlay Districts only if the underlying zone is A, B, C and C -1. The following three hypothetical examples illustrate how the combination of Institutional Overlay District boundaries and the above mentioned underlying zones determine if institutional uses (such as a dormitory or museum) are allowed:

- Development site in Institutional Overlay District/ Underlying Zone is A, B, C or C -1. University facility use such as dormitory or museum allowed.
- Development site located outside Institutional Overlay District/ Underlying Zone A, B, C or C -1. University facility such as dormitory or museum not allowed.
- Development site located outside Institutional Overlay District/Underlying zone other than A, B, C or C -1. University facility such as dormitory or museum allowed, if permitted under base zone.

There are two exceptions to the above examples:

- Existing or recent residential uses inside the Institutional Overlay District can be displaced by an institutional facility such as a dormitory or museum only if these units

are replaced in other locations.

- A new university facility such as a dormitory or museum can, with a Special Permit, be developed on a site that lies outside the Institutional Overlay District and in an A, B, C or C -1 zoning district if the site was previously in institutional use and if it can be shown that the new institutional use has fewer adverse impacts than the previous one.

Historic Sites and Districts. There are three potential levels of historic designation in Cambridge: (1) National Register of Historic Places; (2) State Register of Historic Places and (3) local designation.

The National Register of Historic Places is the official list of American cultural resources worthy of preservation. Properties listed in the Register include districts, sites, buildings, structures and objects. Properties listed in the National Register are eligible for federal tax incentives and other preservation incentives. The Massachusetts Historic Commission administers the National Register program in Massachusetts. There are three national Register Districts in Riverside: Harvard Houses, River Front and Central Square. (See Figure B.3. National Register Districts.)

The State Register of Historic Places includes buildings, structures, objects and sites that have received local, state or national designations based on their historical or archaeological significance. Since it was established in 1982, 59,000 properties have been added to the State Register. Districts and individual properties in Riverside that are listed in the National Register or recognized by the Cambridge Historical Commission are included in the State Register.

The Cambridge Historical Commission administers the city's historic districts, its city-wide landmark and demolition ordinances and nomination of eligible properties to the National Register. Neighborhood

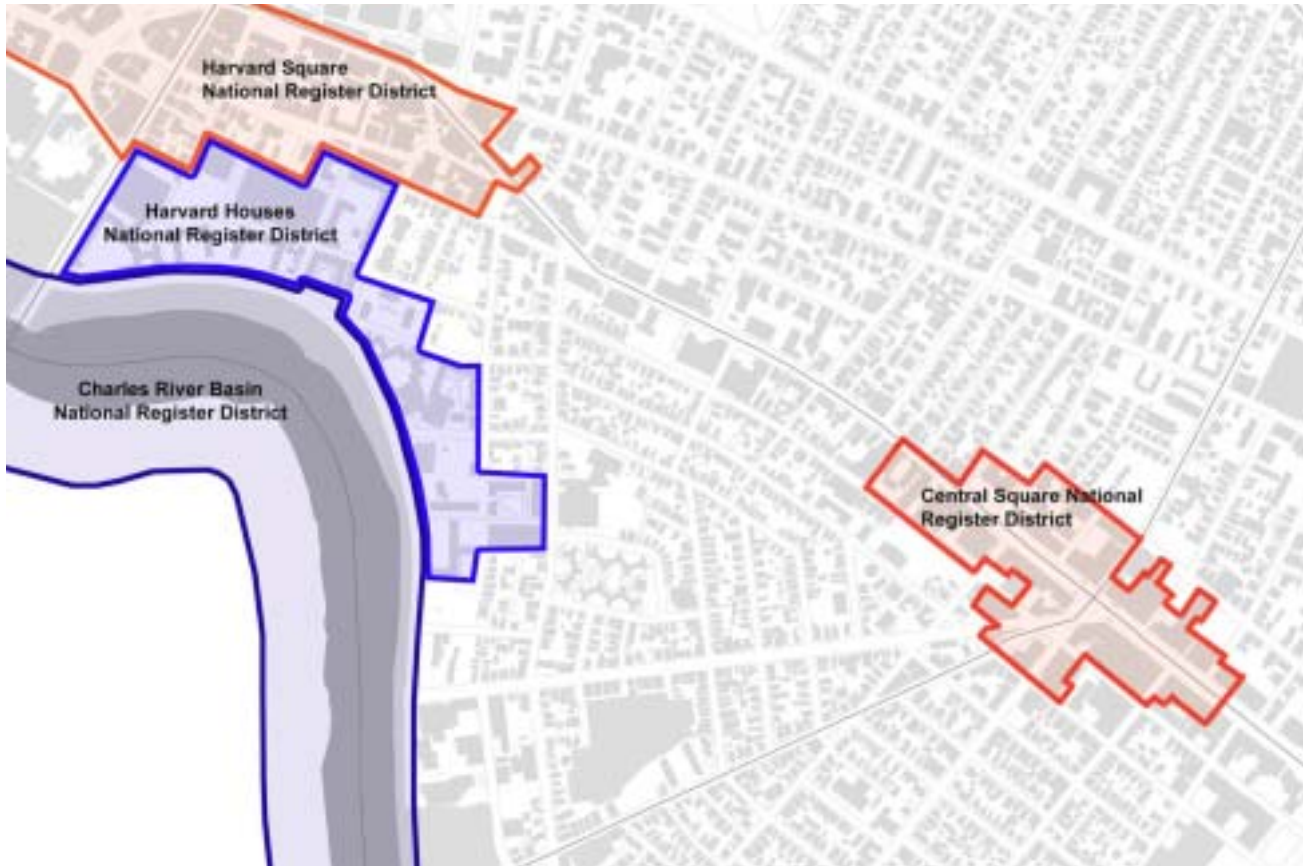


Figure B.3 National Register Districts

Conservation District Commissions oversee Neighborhood Conservation Districts.

The city has two Historic Districts and five Conservation Districts, one of which, the Harvard Square Conservation District, lies partially in Riverside. (See Figure B.4 Harvard Square Conservation District.) There are five local landmarks in Riverside:

- White Tower Restaurant, 25 Central Square
- George and Jeremiah Richer House, 1213 River Street
- Houghton Beech Tree, 1008 Mass. Ave.
- Farwell-Russell Store, 12 Bow Street
- Read Block, 1380-92 Mass. Ave.

In addition, there are ten historic properties covered by preservation easements held by the Cambridge Historical Commission. The properties with easements are primarily student clubs located near Harvard Square.

Chapter 91. Massachusetts General Law Chapter 91, adopted in 1866, protects the public's interest in the Commonwealth's waterways. The law and regulations are administered by the Massachusetts Department of Environmental Protection (DEP). Chapter 91 authorization is required for structures in tidelands, Great Ponds and certain rivers and streams. Structures requiring authorization include some waterfront buildings if on filled land or over water.

To obtain a Chapter 91 permit a project must be in compliance with Chapter 91 standards. The standards involve limits on building height, minimum open space requirements, density limits, public access requirements, engineering practices, environmental compliance, and some use limitations.

Chapter 91 applies in Cambridge to areas along the Charles River where land was his-



Figure B.4 Harvard Square Conservation District

torically subject to tidal action. In general, sites in Riverside that are located within 250' of the Charles River shore are subject to Chapter 91 jurisdiction. Any building within 100' of the shore cannot exceed 55' in height. From that line the height can increase two feet for every one foot further inland.